

Appl. No. 10/015,959
Response Dated January 30, 2006
Reply to Office Action of November 1, 2005

REMARKS

Claims 1-21 are pending in this application. Claims 1, 11, 13, 15, and 18 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Claims 1, 11-12, 13-14, 15, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,453,357 to Crow et al. ("Crow") in view of USPN 6,888,838 to Ji et al. ("Ji"). Applicant respectfully traverses the rejection.

Independent claim 1 has been amended to recite "determining whether all packet fragments for said packet have been received by indexing said offset value by position in a verification table to identify any missing positions between said starting position and said ending position." Independent claims 11, 13, 15, and 18 have been similarly amended.

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See e.g.* MPEP § 2143.03. Applicant submits that Crow and Ji, taken alone or in combination, fail to teach or suggest each and every element of independent claims 1, 11, 13, 15, and 18, as amended.

In particular, as noted in the Office Action on page 3, Crow does not disclose "determining whether all packet fragments have been received by indexing offset value in a verification table." To remedy this admitted deficiency of Crow, the Office Action relies on Ji. On pages 3-4, the Office Action alleges that "Ji et al. discloses determining

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whether all packets fragments for packet have been received by indexing offset value in a verification table.”

Ji, at the cited portion, reads:

receiving a data packet from the communications network;
extracting an IP address from a header of the packet;
obtaining a segment and an offset of the IP address;
using the segment to index an entry of the first lookup table;... See col. 19, lines 10-17.

In view of the above, Ji clearly fails to teach or suggest “determining whether all packet fragments for said packet have been received by indexing said offset value by position in a verification table to identify any missing positions between said starting position and said ending position” as recited in amended independent claims 1, 11, 13, 15, and 18.

Therefore, even if Crow and Ji could be combined, which Applicant does not admit, such combination would still fail to teach or suggest all the features of amended independent claims 1, 11, 13, 15, and 18. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. See MPEP § 2143.03, for example.

For at least the reasons set forth above, Applicant submits that claims 1, 11-15, and 18 are allowable. Accordingly, removal of the § 103(a) rejection of claims 1, 11-15, and 18 is respectfully requested.

Claims 2, 3-10, 16, 17, 19, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Crow in view of Ji and in view of USPN 5,815,516 to Aaker et al. (“Aaker”). Applicant respectfully traverses the rejection.

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Applicant submits that Crow, Ji, and Aaker, taken alone or in combination, fail to teach or suggest each and every element of independent claims 1, 11, 13, 15, and 18, as amended. In particular, Aaker fails to remedy the above-identified deficiencies of Crow and Ji regarding amended independent claims 1, 11, 13, 15, and 18. Therefore, even if Crow, Ji, and Aaker could be combined, which Applicant does not admit, such combination would still fail to teach or suggest all the features of amended independent claims 1, 11, 13, 15, and 18. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *See e.g.* MPEP § 2143.03.

For at least the reasons set forth above, Applicant submits that independent claims 1, 11, 13, 15, and 18 and dependent claims 2, 3-10, 16, 17, 19, 20 and 21 are allowable.

Accordingly, removal of the § 103(a) rejection of claims 2, 3-10, 16, 17, 19, 20 and 21 is requested.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-21 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is invited to contact the undersigned at 724-933-9344 to discuss
any matter concerning this application.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on February 28, 2006.


Deborah L. Higham

2/28/06
Date